

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE CENTURY FOUNDATION,

Plaintiff,

-v-

BETSY DEVOS, *in her official capacity as
Secretary of Education*, and UNITED STATES
DEPARTMENT OF EDUCATION,

Defendants.

No. 18 Civ. 1128 (PAC)

DECLARATION OF JILL B. SIEGELBAUM

I, Jill B. Siegelbaum, hereby declare under the penalty of perjury as follows:

1. I am over the age of 18 and competent to testify to the matters herein.
2. I am employed by the United States Department of Education (“Department”) as an attorney in the Office of General Counsel, Division of Business and Administrative Law. I am licensed to practice law in the State of New York.
3. As part of my duties as a general attorney, I ensure the Department’s compliance with its obligations under the Freedom of Information Act (“FOIA”). This includes providing legal support for the Department’s responses to FOIA requests, reviewing the Department’s FOIA appeal determinations for legal sufficiency, and serving as the Department’s counsel in FOIA litigation matters. I am the Department’s FOIA attorney assigned to the complaint cited above.
4. I certify that I am duly authorized, am qualified, and have been given authority by the Department to make the statements contained in this Declaration. The statements contained herein are based on my personal knowledge as an employee of the Department, my review of the pertinent records, and information I have received in the performance of my official duties.
5. Because FOIA Request Nos. 18-00902-F and 18-00903-F are currently the subject of litigation, I lead the Department’s response to the requests, including the review, redaction and release of responsive records.
6. The Department issued a final response to Plaintiff’s FOIA requests on February 21, 2018. A true and correct copy of the Department’s response letter is attached hereto as Exhibit A. In its response, the Department released 18,018 pages of records responsive to FOIA Request No. 18-00902-F and 2,211 pages of records responsive to FOIA Request No. 18-00903-F. The

Department's document production began on February 16, 2018 and concluded on February 22, 2018, as explained below.

7. The documents responsive to FOIA Request 18-00902-F included the Accrediting Council for Independent Colleges and Schools' ("ACICS") 125-page Initial Petition, which was provided to Plaintiff on February 16, 2018. A true and correct copy of the Initial Petition, as maintained in the Department's records, is attached hereto as Exhibit B. The remaining 17,893 pages, which were provided to Plaintiff on February 21, 2018, consisted of supporting documentation.

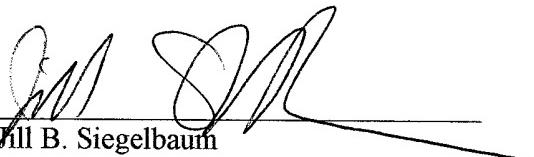
8. The documents responsive to FOIA Request 18-00903-F included the American Bar Association's 10-page compliance report, which was provided to Plaintiff on February 16, 2018. A true and correct copy of the compliance report, as maintained in the Department's records, is attached hereto as Exhibit C. The remaining 2,201 pages, which were provided to Plaintiff on February 20, 2018, consisted of supporting documentation.

9. On February 21, 2018, the Department clawed back Exhibits G and H of the ACICS Initial Petition because the versions released to Plaintiff contained information exempt from disclosure under 5 U.S.C. §522(b)(6). Plaintiff was provided with redacted versions of the exhibits later that day. On February 22, 2018, the Department clawed back Exhibit AG of the ACICS Initial Petition because the version released to Plaintiff contained information exempt from disclosure under 5 U.S.C. §522(b)(6). Plaintiff was provided with a redacted version of the exhibit later that day. Additionally, the Department discovered that it had inadvertently failed to include three of the ACICS exhibits in its February 21, 2018 productions, and provided those exhibits to Plaintiff on the morning of February 22, 2018.

10. To date, the Department has not received an administrative appeal of its responses to Plaintiff's FOIA requests.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 27, 2018



Jill B. Siegelbaum